

**REMARKS**

Claims 12-18 and 22-28 are pending in the application and stand rejected.

Claims 22 - 28 are hereby canceled by this Amendment without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of these claims in continuing or related applications.

Claims 12 and 17 are amended. The amendments to claim 12 are supported by, at least, page 2, lines 3-9 and page 13, lines 29-33. Specifically, at page 2, lines 3-9, an exemplary embodiment of the present specification discloses that battery case (aluminum laminated sheets 21, 22) comprises an aluminum foil and a sealant layer, and that the sealant layers of the battery case are placed so as to face each other. Further, at page 13, lines 29-33, an exemplary embodiment of the present specification discloses that the sealant layers are welded together when the power generating element is accommodated in the battery case (aluminum laminated sheets 21 and 22). These descriptions exemplify that when the power generating element is accommodated in the battery case (aluminum laminated sheets 21 and 22), the sealant layers exist in the innermost periphery of the battery case, while the aluminum foil is situated outwardly (in an external position) of the sealant layers.

Additionally, the amendments to claim 17 are supported by, at least, page 11, lines 6-28 (said positive electrode and said negative electrode comprise a positive electrode lead terminal and a negative electrode lead terminal respectively); page 12, lines 31-34; and Fig. 2 (said two cover members face each other, holding said positive electrode lead terminal and said negative electrode lead terminal between them, to cover said power generating element).

Therefore, the amendments are supported by the original disclosure of the specification and do not introduce any new matter.

**Interview Summary**

The undersigned and the Examiner conducted an interview on August 24, 2009. During the interview, the rejection of claims 12 and 17 in view of Hanafusa and Terahara were discussed. It was agreed that if claims 12 and 17 were amended to clarify that the battery case comprises a sheet comprising a laminate of an aluminum foil and a sealant layer, and the cover member and the sealant layer are provided between the power generating element and the aluminum foil, the claims would be patentably distinguishable over the combination of Hanafusa and Terahara.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 12-15 and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanafusa(US Pub. 2001/0051298) and Terahara et al. (US 6,379,846).

Claim 12 recites, *inter alia*, said battery case comprises a sheet comprising a laminate of an aluminum foil and a sealant layer, said cover member and said sealant layer are provided between said power generating element and said aluminum foil.

Hanafusa discloses “11(12) comprises an external sheet which is a single sheet which is applied to the resins 4(10), 6(8) on the top and bottom of the metallic foil 5(69, 70) and which covers the battery interior of the plate-shape battery 1.” (page 1, para. [0006]). This disclosure and Fig. 36 of Hanafusa reveal that only the resin 6 is present between the metallic foil 69 and the battery interior.

On the other hand, claim 12 has two members, i.e. a sealant layer and a cover member, between the aluminum foil, corresponding to the metallic foil of Hanafusa, and the power

generating element corresponding to the battery interior of Hanafusa. Thus, claim 12 is patentably distinguishable over the battery case and cover member from the external sheet of Hanafusa.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to apply a technology of the non-coated portion described in Terahara. to the battery described in Hanafusa (page 4, lines 2-8 of the Office Action). However, Terahara fails to compensate for the above noted deficiencies of Hanafusa, i.e., fails to disclose the cover.

Thus, Applicants submit claim 12 is allowable for at least this reason. Additionally, because claim 17 recites similar features, Applicants submit claim 17 is allowable for the same reasons set forth above with regard to claim 12. Finally, Applicants submit claims 13-16 and 18 are allowable, at least by virtue of their dependency.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

---

David P. Emery  
Registration No. 55,154

Date: October 28, 2009